

# **Determination of NEPA Adequacy (DNA)**

**U.S. Department of the Interior**

**Bureau of Land Management**

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**Office:** Vale District, Malheur Field Office

**Tracking Number (DNA #):** DOI-BLM-OR-V000-2016-0001

**Case File/Project Number:**

**Proposed Action Title/Type:** Bendire Fire Emergency Stabilization Treatments DNA

**Location/Legal Description:** See Attached Maps

## **A. Description of the Proposed Action and Project Design Elements**

### ***Background:***

The proposed action is described in the Post-Fire Recovery Plan, Emergency Stabilization and Burned Area Rehabilitation, Bendire Fire (J1A5), BLM Vale District Office, OREGON STATE OFFICE (hereafter called ESR Plan, October 1, 2015). Specifically, this Determination of National Environmental Policy Act (NEPA) Adequacy evaluates proposed actions for emergency stabilization of burned areas within the Bendire fire. This document evaluates proposed actions in the ESR Plan for adequacy of existing NEPA analyses and conformance with the Final Environmental Impact Statement (FEIS, April 2001) for the Southeastern Oregon Resource Management Plan (SEORMP) Record of Decision (ROD, September, 2002).

The Bendire Complex was ignited by lightning on Monday, August 11, 2015. The fire began as two small fires, Pole Gulch (450 acres) and Bully Creek (45 acres). On Tuesday, August 11, 2015, the fires totaled 15,000 acres and became the Bendire Complex and on August 12, 2015, the fires grew together forming one fire. Weather at the time of ignition was hot and dry with temperatures in the area in from the mid-80s to 100-degrees Fahrenheit since August 1, 2015 with no measureable precipitation over the month prior.

### ***Affected Environment***

The burned area consists of soils typical of grass-shrub semiarid rangelands. No soil survey data are available through a Natural Resource Conservation Service (NRCS) Soil Survey; however soil data are available for the BLM through a forth order soil survey developed by the Oregon State Water Resources Board and the Soil Conservation Service in 1969. The following information comes from, Oregon's Long-Range Requirements for Water General Soil information (State Water Resources Board, Malheur Drainage Baisin, 1969). Soils identified in the burned area on BLM lands (41,871 acres) are Soil Series: Brogan (Br), Ruckles (Ru), Virtue (Vi), Soil Units 1, 56, 60, 75, 76, 83, and 84. Of these soils Unit 76 comprises 66% (27,538 acres) of the soils, Unit 60 17% (7,001 acres), Unit 83 8% (3,181 acres), Unit 84 4% (1,681 acres), and Br 3% (1,340 acres). All others comprise one percent or less of the burned area. Soils within the burned area are susceptible to wind erosion in the short term until vegetation cover returns. Those soils with a higher rock component are more resistant to both wind and water

erosion. All soil types are susceptible to water erosion during heavy precipitation and spring run-off events, specifically in areas where flow is concentrated due to topographic features.

Elevations within the fire range from 4000 feet to 5400+ feet and with precipitation ranging between 10" - 16" annually depending on elevation, slope and aspect. The burned area was comprised mainly of both Wyoming big sage brush (ATRTW) and basin big sage brush (ARTRT) with understories of both deep rooted perennial grasses (bluebunch wheatgrass/Idaho fescue) and non-native annual grasses (cheatgrass and medusahead). To a lesser extent within the burn area were pockets of scrubland sagebrush (ARRI) which held very little herbaceous understory. Generally speaking, the islands of unburned vegetation were the islands of scrubland sagebrush which grow in low density (plant/acre) and lack the fine fuels necessary to carry a fire.

High elevation sagebrush acreages are dominated by mountain big sagebrush (*Artemisia tridentata* ssp. *vaseyana*). Mountain big sagebrush occurs on sites that are more productive than Wyoming big sagebrush sites. Soils are often deep and well drained on mountain slopes. Plant diversity and productivity is greater than on Wyoming big sagebrush sites. Herbaceous plant composition is similar to other sagebrush types, but mountain big sagebrush plant communities tend to have a higher density and cover of large perennial grasses and deep-rooted perennial forbs. Idaho fescue and bluebunch wheatgrass are often be found as soil depth and elevation increase. Gray rabbitbrush, wax currant (*Ribes cereum*), antelope bitterbrush (*Purshia tridentata*), and mountain snowberry (*Symphoricarpos oreophilus*) are commonly found in association with mountain big sagebrush. Mountain big sagebrush plant communities have a greater grass and forb component than the drier Wyoming big sagebrush plant communities. Portions of the high-elevation sagebrush/bunchgrass acreages have burned in large wildfires within the past 2 decades. This allowed for invasion of noxious and invasive annual grasses, including medusahead.

Low elevation sagebrush acreages are dominated by Wyoming sagebrush (*Artemisia tridentata* ssp. *wyomingensis*) and low sagebrush (*A. arbuscula*). Low sagebrush most often is found on shallow soils with either a restrictive layer or bedrock within 12 inches of the soil surface. Low sagebrush sites tend to be low to moderately productive because of shallow soils. Low sagebrush occupies slightly lower productivity sites with shallower soils with more rock on the surface.

Herbaceous species found in association with low sagebrush includes bluebunch wheatgrass (*Pseudoroegneria spicata*), Idaho fescue (*Festuca idahoensis*), Thurber's needlegrass (*Achnatherum thurberianum*), bottlebrush squirreltail (*Elymus elymoides*), and Sandberg's bluegrass (*Poa secunda*). Forbs commonly found on the site include arrowleaf balsamroot (*Balsamorhiza sagittata*), taper tip hawksbeard (*Crepis acuminata*), false dandelion (*Agoseris glauca*), prairie lupine (*Lupinus lepidus*), Hood's phlox (*Phlox hoodii*), low pussytoes (*Antennaria dimorpha*), and cushion buckwheat (*Eriogonum ovalifolium*).

In addition to native vegetation in the area, there are known, scattered populations of noxious weeds within the burn perimeter and general vicinity of the fire, including numerous small sites of Russian knapweed (*Acroptilon repens*), spotted knapweed (*Centaurea stoebe*), diffuse knapweed (*Centaurea diffusa*), perennial pepperweed (*Lepidium latifolium*), whitetop species

(*Lepidium* spp), Scotch thistle (*Onopordum acanthium*), bull thistle (*Cirsium vulgare*), and Canada thistle (*Cirsium arvense*). Dalmatian toadflax (*Linaria dalmatica*) and Mediterranean sage (*Salvia aethiopis*) are near Beulah Reservoir, two to five miles, respectively, from the fire boundary, and could potentially be within the burned area.

The fire area is currently occupied sage-grouse habitat and the entire area burned (49,628 acres, BLM and PVT) is designated as Priority Habitat Management Area (PHMA) for sage grouse. Ten sage-grouse leks are present within the burn perimeter; seven active, three historic/unoccupied. The entire burn area is also within the Northern Great Basin Priority Area of Conservation (PAC) for sage grouse and within the Beulah Fire and Invasive Assessment Tool (FIAT) project planning area (PPA). The 702,900-acre Beulah PPA (Project Planning Area) is in Malheur and Baker Counties in eastern Oregon; the entire PPA is in the BLM Vale District Office. Landownership in the Beulah PPA is approximately 60 percent BLM, 39 percent private, and one percent state- administered lands.

Portions of the fire burned through the historic Vale Project. The Vale Project marked a significant departure for BLM's range program—a shift away from mostly managing livestock numbers to managing the range itself. In addition to implementing new grazing systems, brush control, and water developments, BLM experimented with the introduction of normative grasses and the use of herbicides to improve rangeland forage. Lands were also exchanged to create better management units.

Additionally, the fire burned across 21,928 acres of active and proposed conifer treatments which were planned for the 2015 Beulah FIAT PPA fuels project. Of the 21,928 acres, 18,393 were burned, totaling 84% of the active and proposed projects. Also included in the FIAT planning were fuel breaks along major roads.

There are various aquatic and riparian resources affected by the Bendire complex fires. There are 213 acres of BLM aquatic resources, 7.6 miles of perennial, and 141.9 miles of intermittent streams within the fire perimeter. Of immediate concern are the possible impacts to Murphy reservoir (30 acres) and the fisheries in the reservoir from ash and debris flows from an intense runoff event, either from fall 2015 rainfall and/or snow melt in the spring of 2016. Further investigation of the impacts to water resources will be needed to determine appropriate strategies to address these concerns.

### ***Project Design Features***

Project Design Features (PDFs) were developed to aid in meeting project goals and objectives. These features are nonexclusive and are subject to change based on site-specific terrain characteristics (topography and vegetation). Changes, additions, or deletions would be made through coordination with appropriate BLM specialists and approved by the Malheur Field Office Managers. The Industrial Fire Precaution Levels (IFPLs) would be followed during construction, where appropriate. Specific Design Features incorporated into ESR treatments include:

1. Protect cultural resource values throughout the life of the project. Archaeological sites would be avoided within the drill seeding units and seedling planting areas. Class III

surveys would be completed in these areas prior to activity implementation. Inventories would be in accordance with the State Protocol Agreement between the Oregon BLM and the Oregon State Historic Preservation Office (SHPO). All cultural resources would be recorded on agency approved site forms and plotted on maps. Resources, except those previously determined Not Eligible by the agency and SHPO would be flagged for avoidance during stabilization and rehabilitation activities. Flagged sites would be either hand seeded or seeded via All-Terrain Vehicle (ATV) during stabilization and rehabilitation activities. Flagging would be removed as soon as possible after stabilization and rehabilitation treatments to minimize the potential for looting and vandalism.

2. Should noxious weeds be found, appropriate control treatments would be performed in conformance with the Vale District Five Year Integrated Weed Control Plan EA/DR OR-030-89-19, or subsequent decision. Herbicide use would conform to federally approved manufacturers' herbicide labels as well as the streamside, wetland, and riparian habitat herbicide restrictions. Appropriate mitigation measures contained in the ROD and FEIS for Vegetation Treatments Using Herbicides on BLM Lands in Oregon (2010) and in Table 2 of the Final Vegetation Management EIS Environmental Report (ROD, October 2007), or its successor, would be utilized as a part of the project design.
3. The risk of noxious weed introduction would be minimized by ensuring all equipment (including all machinery, ATVs, and pickup trucks) is cleaned prior to entry to the sites, minimizing disturbance activities, and completing follow-up monitoring, to ensure no new noxious weed establishment occurs. Herbicide use would conform to federally approved manufacturers' herbicide labels as well as the streamside, wetland, and riparian habitat herbicide restrictions. Appropriate mitigation measures contained in Table 2 of the Final Vegetation Management EIS Environmental Report (ROD, October 2007), or its successor, would be utilized as a part of the project design. Herbicide use would conform to federally approved manufacturers' herbicide labels as well as the streamside, wetland, and riparian habitat herbicide restrictions. Herbicide would not be used on any threatened, endangered, or SSS plant populations.
4. All proposed wire fences, constructed within 1.25 miles of a lek or known seasonal use area (i.e. spring enclosures), would include reflective markers on the wire to enhance visibility and reduce potential mortality from sage-grouse hitting the fence.
5. New proposed temporary fences would not be constructed within 0.6 miles of active sage-grouse leks or known seasonal use areas. Construction of temporary fence would not occur between March 1 and June 15 to avoid adverse effects to nesting birds.
6. Escape ramps would be repaired or installed in troughs to minimize accidental drowning by migratory birds and other wildlife.
7. All fences necessary for controlled livestock management would be reconstructed using original specifications and in good condition prior to livestock turnout. Metal posts would be used to replace wood posts as needed.
8. New temporary fences would be constructed to BLM specifications.

9. All seed would meet BLM standards for weeds, germination, and purity.
10. Monitoring to determine effectiveness of treatments, natural recovery, needs for additional stabilization and rehabilitation, and to determine if grazing can resume would occur for at least three years from the date of containment.

### ***Planned Actions***

The area burned by the Bendire Fire is in need of treatment to ensure desirable vegetation would stabilize the site and prevent invasion of undesirable vegetation and/or noxious weeds.

Treatments proposed in the Bendire ESR plan are summarized below:

- **Herbicides treatments for Invasive Annual Grasses.** The aerial application of imazapic herbicide to reduce the threat invasive annual grasses pose to priority greater sage-grouse habitat. The aerial herbicide application would be applied on approximately 17,000 acres within burned area. Imazapic would be applied at a six ounce per acre rate and include appropriate adjuvants and may be applied over a two year period to account for local spray windows.
- **Inventory and Treat Noxious Weeds** Inventory and treat noxious weeds with ground applications best suited to each site and weed type during the first year. Monitor and re-treat sites if necessary. Identified noxious weed sites would be treated for a minimum of two consecutive years. Target species would include: Russian and diffuse knapweed, Scotch thistle, bull thistle, Canada thistle, whitetop, and medusahead wildrye.
- **Planting.** Hand planting approximately 4,764 acres of sagebrush or bitterbrush seedlings in order to accelerate the recovery of these key shrub species, not only for sage grouse, but for other key wildlife such as elk and mule deer and other sage brush obligates. Seed collection and grow out will occur during year one with planting occurring during years two and three.
- **Seedings.** Seeding desirable native perennial grasses where the fire burned hottest and where there is a high potential to become infested with invasive annual grasses on approximately 7,480 acres. Aerial seeding methods would be utilized due to the steepness and rockiness of the terrain. A seed mix composed of competitive native species such as bluebunch wheatgrass and Idaho fescue was deemed necessary by the IDT due to an infestation of invasive annual grasses within the near vicinity of the intense fire.. Establishment of fire resistant perennial grass species in the burned area is critical to interrupt the fire and invasive species cycle and protect adjacent sagebrush habitat.
- **Livestock Management.** Protecting the area from livestock grazing during a period necessary for establishment and recovery of health and vigor of desired vegetation. Approximately sixteen miles of three-strand temporary protective fence would be constructed to separate the burned area from unburned portions of affected pastures. Forty miles of existing management fence would be repaired and/or reconstructed within the affected allotments. Fence reconstruction may be as minimal as replacing H-braces and rock cribs but may be as large as full fence replacement, depending on the severity of the damage caused by the fire. In all fence reconstruction, metal materials would be used to the fullest extent

possible. Fences requiring full replacement would be reconstructed in the same location as the previous fence.

- **Erosion Control.** Preventing hazardous road conditions would occur by installing up to 24 straw wattles in key drainages and along road where erosional forces could wash out roads making them impassible.
- **Cultural Resources.** Assessment and stabilization of impacted known cultural resources.
- **Effectiveness Monitoring.** Monitoring and assessing emergency stabilization treatments for success and/or failure

#### **B. Land Use Plan (LUP) Conformance:**

LUP Name: Southeastern Oregon Resource Management Plan (SEORMP) Record of Decision (ROD), Date Approved 2002

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: Southeastern Oregon Resource Management Plan:

Rangeland Vegetation, pages 38-41; Wildlife Habitat Pages 50-51; Rangeland/Grazing Use Pages 56-60; Special Management Areas Pages 102-106; Noxious Weeds Page 44.

#### **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

The Buzzard Complex Fire Emergency Stabilization and Rehabilitation Environmental Assessment (2014).

The Oregon Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final Environmental Impact Statement (June, 2015).

The Oregon Greater Sage-Grouse Approved Resource Management Plan Amendment and Record of Decision (September, 2015).

Draft (1998), Final (2001), and Record of Decision (2002) Environmental Impact Statement prepared for the Southeastern Oregon Resource Management Plan

Southeastern Oregon Resource Management Plan Best Management Practices, Appendix O: Definition Page O-1, Fire Suppression Page O-6, Noxious Weed Management Page O-7.

Southeastern Oregon Resource Management Plan Best Management Practices and Rangeland projects and Improvements, Appendix S.

Vale District Integrated Weed Control Plan EA (1989)

Northwest Area Noxious Weed Control Program EIS (1987)

Final Programmatic Environmental Impact Statement and Environmental Report for Vegetation Treatments on Public Lands Administered by the Bureau of Land Management in the Western United States, Including Alaska (2007)

The Final EIS for Vegetation Treatments Using Herbicides on BLM Lands in Oregon (2010)

Greater Sage-Grouse Interim Management Policies and Procedures (BLM WO IM 2012-043, December, 2011)

Instruction Memorandum WO IM-2014-114, Sage-Grouse Habitat and Wildland Fire Management (2014).

*List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).*

Knick and Connelly, *Ecology and Conservation of Greater Sage-Grouse: a Landscape Species and its Habitats* (Monograph, 2011)

The Interim Management Policy (IMP) and Guidelines for Lands under Wilderness Review (BLM Manual H-8550-1)

SEORMP Settlement Agreement (Case 05-35931, June 10, 2010) between Vale District BLM and Oregon Natural Desert Association (ONDA) resulting from Ninth Circuit Court of Appeals decision (*ONDA v. BLM*, 625 F.3d 1092 (9th Cir. 2010)).

Heady and Bartolome, *The Vale Rangeland Rehabilitation Program: the Desert Repaired in Southeastern Oregon (Vale Project)*, USDA Forest Service Resource Bulletin PNW-70, 1977.

#### **D. NEPA Adequacy Criteria:**

- 1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

**Yes**

**Documentation of answer and explanation:** The Bendire treatments, resources, issues and conditions are essentially similar to those analyzed in the 2014 Buzzard Complex ESR Environmental Assessment. The Bendire Fire is approximately 30 miles northeast of the Saddle Draw, Riley Field and Beaver Creek fires, managed within the Buzzard Complex

suppression effort. Common considerations between the Buzzard Complex ESR EA and the Bendire ESR proposed action includes the following:

### **Proposed Treatments**

The seeding, planting, temporary fence construction, and imazapic applications within the proposed action were analyzed - in the Saddle Draw fire located on the Vale District - within the Buzzard Complex Fire Emergency Stabilization and Rehabilitation Environmental Assessment, specifically:

- Project Design Features, pg. 14.
- Aerial Seeding, pg. 17
- Seedling Planting, pg. 19.
- Temporary Fence Construction, pg. 24.
- Reconstruction of Existing Fence, pg. 24
- Aerial Applications of Imazapic for Invasive Annual Grass Control, pg. 19.
- Noxious Weed Herbicide Treatments- General, pg. 20
- Stabilization of Known Archaeological Sites, pg. 25.
- Livestock Closure, pg. 26.

### **Resources and Conditions**

Landforms, soil types, and plant community classifications are similar to - or the same as - those described in the Buzzard ESR EA (Affected Environment and Environmental Consequences pgs. 32-116). The Bendire fire burned area is dominated by soils that support complexes of low sagebrush /bunchgrass and Wyoming big sagebrush /bunchgrass plant communities. The Saddle Draw portion of the Buzzard Complex supports plant communities that are largely the same. Both burned areas support sagebrush steppe communities that are susceptible to medusahead wildrye and cheatgrass infestation after to burning. The Bendire burned area is generally the same as the Buzzard Complex ESR EA middle elevation ecological zone. This ecological zone is between 4000-4600' above mean sea level and it receives between 10"-16" of precipitation annually. A lower elevation area west of Bendire is similar to the low elevation ecological zone described in the Buzzard ESR EA. It occupies a lower elevation bottomland with invasive annual grass cover estimated between 10-15%.

2. **Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

**Yes**

**Documentation of answer and explanation:** With respect to current concerns, interests, and resources values specific to Bendire Fire burned area, the Buzzard ESR EA analyzed an appropriate range of alternatives. The EA analyzed a proposed action constrained by numerous project design elements, a no action alternative, and eliminated two alternatives from detailed analysis because they were not feasible to implement or did not meet purpose and need.



The Buzzard Complex ESR EA included a very specific Purpose and Need statement (pg. 3). The Purpose and Need was primarily to stabilize greater sage-grouse habitat, minimize threats to life and property, reduce soil loss, stabilize archaeological resources, reduce risk of noxious weed and annual grass infestation, and protect the area from livestock grazing until objectives were met. The Bendire Fire ESR plan presents similar or the same issues and needs as those described in the Buzzard ESR EA. Therefore, a narrow range of reasonable alternatives was appropriate to address the purpose and need of the Buzzard ESR EA. The range of alternatives is also appropriate for the Bendire ESR plan analysis. There are no environmental concerns, interests, or resource values that would necessitate a broader range of alternatives.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of Bureau of Land Management [BLM] sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

**Yes.**

**Documentation of answer and explanation:** There is no significant new information or circumstances that would warrant additional analysis. The Buzzard ESR EA analyzed the effects of alternatives including the proposed action within the ESR plan on invasive annual grasses, the effects of invasive annual grass cover on fire regimes, and the effects of site stabilization and rehabilitation on priority and general sage-grouse habitat. All of these issues would be addressed for the Bendire ESR effort the same as in the Buzzard Complex ESR EA (See page 13). The effects analysis outlined in the Buzzard ESR EA (See page 57 and 96) fully describes the effects on vegetation, noxious weeds, and annual grasses present in the Bendire burned area. The invasive annual grasses in the Bendire burned area would be treated with imazapic prior to germination in the fall of 2015 and 2016, as analyzed in the Buzzard Complex ESR EA (See page 19).

In March, 2010 the U.S. Fish and Wildlife Service issued its finding that Greater Sage-Grouse are “warranted but precluded” for listing under the ESA (Notice, 75 FR 13910 – 14014; 03/23/2010). Thirty-eight scientists from federal, state and nongovernmental organizations collaborated to synthesize the information and findings on Greater Sage-Grouse, and compiled in *Ecology and Conservation of Greater Sage-Grouse: a Landscape Species and its Habitats* (Monograph, 2011). Following this, in December, 2011, the BLM issued Instruction Memorandum No. 2012-043 which provides interim management policies and procedures for Greater Sage-Grouse. Also released in December, 2011 was the BLM’s A Report on National Greater Sage-Grouse Conservation Measures developed by the BLM’s National Technical Team on Greater Sage-Grouse (NTT Report).

The *Oregon Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final Environmental Impact Statement* were published in June, 2015. The protest period and Oregon Governor’s Consistency Review period closed on July 30, 2015. The final Record of Decision for the Oregon Greater Sage-grouse Resource Management Plan Amendment was

released in September, 2015. The Bendire ESR Plan is consistent with the interim management for sage-grouse under the interim guidance, as well as the Approved Oregon RMPA EIS (RMPA).

The *Greater Sage-Grouse Wildfire, Invasive Annual Grasses & Conifer Expansion Assessment (Fire and Invasive Assessment Tool (FIAT))* was issued in June 2014. The purpose of this assessment is to identify priority habitat areas and management strategies to reduce the threats to Greater Sage-Grouse resulting from impacts of invasive annual grasses, wildfires, and conifer expansion. The Conservation Objectives Team (COT) report (USFWS 2013) and other scientific publications identify wildfire and conversion of sagebrush habitat to invasive annual grass dominated vegetative communities as two of the primary threats to the sustainability of Greater Sage-Grouse (*Centrocercus urophasianus*) in the western portion of the species range.

*Secretarial Order 3336, Rangeland Fire Prevention, Management and Restoration*, was issued in March, 2015. The Order places a priority on “protecting, conserving and restoring the health of the sagebrush-steppe ecosystem and, in particular, greater sage-grouse habitat, while maintaining safe and efficient operations,” and looks at the allocation of fire resources and assets associated with wildland fire and investments related to restoration activities to reflect that priority.

No new threatened/endangered or Special Status Species (SSS) or environmental concerns have been identified in the project area, since the 2014 EA for the Buzzard Complex ESR plan. The Proposed Action meets goals and objectives of all current management strategies to meet sage-grouse habitat needs.

#### **Lands found to have wilderness characteristics:**

The second issue arising since completion of the NFESRP was the finalization of a Settlement Agreement between the BLM and ONDA in response to a decision of the Ninth Circuit Court of Appeals, *ONDA v. BLM*, 625 F.3d 1092 (9th Cir. 2010), which upheld ONDA’s challenge to the SEORMP. In part, the Settlement Agreement identified a need to update the BLM’s inventory of wilderness characteristics resources within the SEO planning area, but outside of existing WSAs and designated Wilderness. This inventory has been completed. The Settlement Agreement also required the BLM to analyze the effects of any proposed projects on the identified wilderness characteristics through “NEPA processes”. Amendment of the SEORMP began with public scoping in May, 2010, but that process has been delayed due to BLM’s national planning effort in response to US Fish and Wildlife Services *warranted but precluded* listing of Greater Sage-Grouse. Vale BLM will continue working on the Settlement Agreement as decisions and public input on Sage-Grouse planning is developed.

Vale BLM’s agreement to analyze alternatives for management of lands with wilderness characteristics under NEPA has thus, not been completed. However, several indicators of the effect of ESR treatments on wilderness characteristic values were considered through interdisciplinary team analysis:

The original wilderness inventory on all public lands in Oregon was completed in the between 1977 and 1989 (BLM *Oregon Wilderness Environmental Impact Statement, December, 1989*). The result of this inventory was the designation of approximately 1.3 million acres of Wilderness Study Areas within the SEORMP planning area. Those lands are managed under IMP.

Many lands found to not possess wilderness characteristics in the original inventory were found as such due to extensive mechanical treatments and range project developments that were implemented in the decade preceding the original inventory (Vale Project). In particular, the Vale Project provided Congressional-level funding to complete extensive landscape-level rangeland drill mechanical vegetation treatments. A component of wilderness characteristics inventory is how “natural” an area is to the casual observer; at the time of the original inventory, the recent Vale Project drill seedings were dominant in much of the landscape and led to findings that extensive areas were non-natural.

Between 2007 and 2012, as required by the Settlement Agreement, Vale BLM has completed wilderness characteristics inventories of all lands affected by the fire. BLM conducted extensive field and interdisciplinary reviews of these lands and have published final findings.

Many areas in the previous inventory, and treated under the Vale Project effort have now been found to possess wilderness characteristics. The seeding techniques proposed treatments in lands with wilderness character will have less of an impact on “naturalness” than the seeding techniques used in the Vale Project days and will allow the treated area to maintain wilderness characteristics.

Interim management of Wilderness Study Areas provides clear direction that permits limited rehabilitation efforts, so long as no action negatively impacts wilderness values. While WSAs and lands found to possess wilderness characteristics are managed under separate authorities, the resources inventoried are identical. The seeding techniques proposed on lands with wilderness characteristics are identical to the emergency stabilization seeding techniques used by the Vale District on WSA’s.

Vale BLM management of public lands since the Wilderness Inventory and release of the *Wilderness Study Report* has led to conditions that have resulted in findings that certain additional areas now possess wilderness characteristics. Within the Bendire Fire burned area, approximately 220 acres have been determined to possess wilderness characteristics. While this does not suggest that these lands warrant wilderness designation (suitability recommendations for Wilderness designation of Wilderness Study Areas are provided in *BLM Wilderness Study Report, October, 1991*), under the stipulations of the Settlement Agreement, any proposed actions will not be implemented which would cause either the ONDA recommendations or the Vale BLM wilderness characteristic units to not meet the minimum wilderness character criteria.

Treatments proposed in lands determined to have wilderness character were selected to maintain, protect and/or enhance values identified by BLM through the wilderness characteristics inventory. Proposed actions in lands found by BLM to have wilderness characteristics are consistent with actions addressed in the NFESRP that occur in Wilderness Study Areas. All proposed actions are designed to have only short-term, if any, impact to wilderness characteristics. Proposed treatments were also designed to: minimize the risk of invasion of cheatgrass or noxious weeds; incorporate seed mixes, including native species, to enhance the natural character of the area; and utilize methodologies that minimize the short term visual and aesthetic impacts to the area. The proposed actions will not have a permanent impact to either the size of the inventoried wilderness characteristics unit or the individual wilderness characteristics.

The BLM concludes that the proposed ESR actions will not have substantial or long term impacts on the wilderness characteristics and would not affect either the existing finding that a unit contains wilderness characteristics, diminish the size of the unit, or affect the eventual management direction made at the conclusion of the agreed-to RMP Amendment process to address lands with wilderness characteristics, and thus would not benefit from additional analysis.

The new information and new circumstances would not substantially change the analysis for the new proposed action.

**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

**Yes.**

**Documentation of answer and explanation:** The methodology and analytical approach used in the Buzzard Complex ESR EA would continue to be appropriate for the current proposed action. Besides the Land Use Plans, Project Design Elements and other laws, regulations and policies listed above, the proposed action in the EA includes vegetation monitoring and grazing closures, found on page 105 of the Buzzard ESR EA, which are the same as, or similar to, those planned in the Bendire Fire Emergency Stabilization Treatments. The Saddle Draw (Vale District portion of Buzzard Complex Fires) is approximately 30 miles from the Bendire ESR treatment area; however, the issues of controlling invasive annual grasses, the relationship between annual grass cover and fire return intervals, and conserving greater sage-grouse habitat remain the same.

Plant community composition and condition on the Bendire burned area were similar to - or the same as - those described for the middle to lower elevations in the Buzzard Complex ESR EA (See page 57 and 96).

**5. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

**Yes.**

**Documentation of answer and explanation:** Direct and indirect effects of the proposed action are the same as those analyzed in the proposed action; pages 30-116 of the Buzzard ESR EA. Cumulative impacts of the proposed action are similar or the same as those analyzed in Chapter 3 of the Buzzard ESR EA (See pages 30-116).

The effects of the ESR plan would be to stabilize the burned area and prevent the spread of annual grasses from existing patches on the landscape. The Bendire ESR plan would also rehabilitate resources that may not recover naturally. Project design elements from the Buzzard ESR EA (See page 13) that would be utilized in the Bendire ESR plan, would minimize or completely avoid adverse effects on SSS plants, cultural resources, migratory birds, and soils.

**6. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

**Documentation of answer and explanation:** The Buzzard ESR EA analysis documents and Plan were reviewed by a diverse representation of public entities. These included Federal, state, local, and tribal governments as well as private entities and environmental advocacy groups. The notice of availability of the Environmental Analysis and opportunity to comment on the Buzzard ESR EA was sent to approximately 75 individuals, organizations, agencies, local governments, state governments, and federal governments, many of which are the identical interested or potentially affected publics for this ESR Plan. Communication between Vale District and Federal and State wildlife specialists, local and Tribal governments, as well as private landowners is on-going in regards to the Bendire Fire ESR plan.

### E. Interdisciplinary Analysis:

The following team members conducted or participated in the preparation of this worksheet:

Brent Grasty	NEPA Compliance and Planning
Caryn Burri	ESR Project Lead
Linus Meyer	NRS – Soil/Air/Water
Don Rotell	Supervisory NRS/Planning Lead
Mike Pagoaga	Fire and Fuels Management
Lynne Silva	Weeds Specialist
Dan Thomas	Recreation Planner
Megan McGuire	Wildlife Biologist
Kevin Eldridge	Rangeland Management Specialist
Cheryl Bradford	Archaeologist
Susan Fritts	Botanist

Note: Refer to the Environmental Analysis (EA)/Environmental Impact Statement (EIS) for a complete list of the team members participating in the preparation of the original EA or planning documents.

### F. Conclusion:

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

Signature of the Authorized Officer:



Date:

10/27/15

**Note:** The signed conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this determination of NEPA adequacy (DNA) is subject to protest or appeal under 43 Code of Federal Regulations (CFR) Part 4 and the program-specific regulations.